

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

STANLEY PRINCE,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 09-cv-248-MJR
)	
LISA J. W. HOLLINGSWORTH,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

Petitioner has appealed the dismissal of his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and now asks this Court to issue a “certificate of appealability” pursuant to 28 U.S.C. § 2253(c), which provides in pertinent part:

Unless a circuit justice of judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from ---

- (A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or
- (B) the final order in a proceeding under section 2255.

28 U.S.C. § 2253(c)(1).

Petitioner’s § 2241 petition is neither a proceeding under section § 2255, nor is it a habeas corpus proceeding in which the detention complained of arises out of process issued by a state court. Consequently, no certificate of appealability is necessary for Petitioner to perfect his appeal. Fed.R.App.P. 22(b); 28 U.S.C. § 2253(c). Accordingly, Petitioner’s Motion for

Certificate of Appealability (Doc. 8) is **DENIED** as **MOOT**.

IT IS SO ORDERED.

DATED this 15th day of December, 2009.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge